



EXECUTIVE SUMMARY

REPORT: Analysis of the permitting process ÉCOLE NATIONALE D'ADMINISTRATION PUBLIQUE

Point of origin

The Urban Planning Department (UPD) processes a very large volume of applications requests and has great difficulties doing so with its present resources and the delay imposed by the current by-laws. Citizens have voiced their dissatisfaction with respect to the cumbersomeness, the complexity, the delays and iterations of the permit process. The ENAP completed its detailed analysis of the permit process in August 2018. This summary of its study was produced by the UPD.

Time, physical and spatial resources

When Westmount is compared with four cities similar in their application of the SPAIP (Site Planning and Architectural Integration Programmes), the UPD issues more than twice the number of permits and certificates issued elsewhere. Beyond the preparatory analysis of files, staff must also be available to answer questions from citizens and professionals. Appropriate office space for the review of large physical plans is non-existent for all inspectors and one of the urban planning technicians and no appropriate meeting rooms for customer service are available.

Possible Solutions:

- Establish a delay for the treatment of files modulated by permit type, time of the year and volume of requests
- Implement a structured and coherent approach to the treatment of files
- Redesign the department to provide adequate work spaces
- Review the file treatment process to allow the administration to address minor projects outside the SPAIP.

Decisional Structures

Permit request files that include modifications to the exterior are subject to the analysis by SPAIP and hence must be reviewed by the Planning Advisory Committee (PAC), whatever the scope of the work, in order to be authorized by the Municipal Council. If the modifications are repairs to existing elements and/or their replacement in kind, these can then be authorized directly by the UPD. For work solely subject to normative review (without modifications to the exterior), the Board of Inspections (BI) authorizes the issuance of permits and certificates.

Problem files can be viewed between 8 to 15 times at the BOI and the PAC, and may take up to a year or beyond to be processed.

Possible Solutions:

- Define an automatic mechanism for the refusal at or a report to Council after a given number of iterations at the PAC
- Include in the minute of the PAC some cautionary referral to potential foreseeable constraints in order to limit iterations
- Because the PAC members refrain to provide clear solutions in order not to engage their professional liability, obtain legal advice on the matter

By-laws and Other Documents

Most agree that the by-laws must be revised. A simple and consolidated format would be conducive to applicants and allow them to submit complying projects. Furthermore, applications are subject to avoidable deferrals because of missing documents.

There are currently grey zones, some even contradictory, between the normative by-laws (Zoning 1303; Construction 1391) and the discretionary by-law (SPAIP 1305) which foster confusion. Also, as the PAC provides a discretionary review, it is perceived that the interpretation can vary. In such context, it is difficult for the administration to advise applicants efficiently. A sentiment of iniquity appears, responsible for the frustration and dissatisfaction expressed by the citizens about the permit process. The UPD is presently reduced to a permit department in which its personnel acts as the transmission belt between the citizens and the PAC. .

Possible Solutions:

- Diffuser des aide-mémoire pour appuyer, dès l'ouverture d'une demande, la soumission de dossiers complets. (Des aide-mémoire spécifiques à divers permis ont depuis été mis en ligne par le SAU ; un impact positif sur le processus a été observé)
- Procéder à une refonte réglementaire pour éliminer les incohérences et les formulations prêtant à interprétation. Cette harmonisation pourrait aussi départager le pouvoir et les tâches entre le SAU, le BI et le CCU.
- Mettre en place une jurisprudence systématique des décisions du CCU et du BI pour améliorer la constance des décisions et servir de référence pour les employés.
- Consigner dans un tel registre les cas mis à l'amende pour enrayer la perception d'autorisation pour des travaux complétés mais effectués sans permis.

Anaemic Urban Planning Vision

The director and assistant director are called upon for the analysis of requests, the management of complaints and unscheduled meetings with applicants wishing to talk to those in charge. Very little management occurs, and no urban planning activities, by-law or master plan revision can be undertaken in such a context. Though the PAC's membership does not include any urban planner, the Committee's role includes powers of study and recommendation in regards to urban planning issues.

Possible Solutions:

- Free UPD management from daily activities
- Open the PAC membership to urban planners, as permitted by law, to address zoning, subdivision, construction and urban planning issues
- In the context of the coming by-law rewrite, have an open discussion on the roles and responsibilities of the UPD and PAC
- Develop a planning vision for the territory, consult the citizens, and plan the rewrite of the by-laws and master plan

Communications with citizens

The citizens have little or misleading information on the quantity of work required by the administration and the steps in the application process. It is important to "better educate our public".

Possible Solutions:

- Use the public consultations associated with the by-law rewrite to provide explanations
- Implement a customer service, ahead of permit requests, for complex or major projects, in order to avoid receiving very developed projects that do not align with the regulations. This requires appropriate physical office spaces.

In order to free time for the UPD to rethink its departmental tasks and processes, an internal analysis of priorities must be undertaken by management. This will identify short, medium and long-term objectives to optimize available services and improve them.